

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 16, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman

Commissioners Absent: Kathy Campbell
Linda Steinman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 9, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Workman seconded approval of the minutes of March 9, 1999. On call Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 88 additions and deductions to the tax assessment rolls per Exhibit A.
(1999410) (1999411)

MOTION: Workman moved and Heier seconded approval. On call Heier, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Social Services
Development Services of Nebraska, Inc.
Lincoln Church of Christ
Martin Luther Homes of Nebraska, Inc.
Southeast Nebraska Mobile Diagnostics
Vital Services, Inc.

MOTION: Workman moved and Heier seconded approval of motor vehicle tax exemptions for Catholic Social Services, Development Services of Nebraska, Inc., Lincoln Church of Christ, Martin Luther Homes of Nebraska, Inc. and Southeast Nebraska Mobile Diagnostics and to approve a motor vehicle tax exemption for Vital Services, Inc. subject to the vehicle being titled and registered to the applicant. On call Workman, Heier and Hudkins voted aye. Motion carried.

The Vice Chair recessed the Board of Equalization and reconvened the meeting at 2:45 p.m.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

The 3 Amigos Properties LLC

The Assessor recommended the value for 1998 be set at \$247,400 because a property was inadvertently dropped. He noted that the correction has been made for 1999.

MOTION: Heier moved and Workman seconded to accept the Assessor's recommendation to set the value for 1998 at \$247,400 for The 3 Amigos Properties LLC. On call Workman, Hudkins and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

By direction of the Vice Chair, the Board of Equalization was adjourned.

Bruce Medcalf
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 9, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Workman moved and Heier seconded approval of the minutes of March 9, 1999 with a correction that it be noted Commissioner Heier was representing the County Board at a conference in Colorado regarding juvenile issues and facilities. On call Hudkins, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, March 16, 1999.

MOTION: Heier moved and Workman seconded approval. On call Heier, Hudkins and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A new application from Ely's Service Incorporated dba/Branched Oak Marina Incorporated in connection with a Class M (Bottle Club) and a Class E (Beer Off Sale Only) liquor license for Branched Oak Marina located at 10001 West Davey Road in Lancaster County, Nebraska. (1999326) (1999394) (1999351)

The Vice Chair opened the public hearing and asked if anyone wished to testify in favor of the application.

The Clerk administered the oath to John C Phillips, applicant.

Hudkins inquired about the hours of operation and services offered.

Phillips stated the marina would hold the Class E (Beer Off Sale Only) liquor license with hours of operation from 7 a.m. to 7 p.m., seven days per week, however, the possibility exists that it may be open until midnight or 1 a.m. depending on the fishing season.

The restaurant, he explained, would hold the Class M (Bottle Club) license and would be open Thursday through Sunday in the beginning with the possibility of expanded hours at a later date. Phillips stated they are trying to lease the restaurant and have been working with Bob Jorgensen of P O Pears regarding the issue.

Phillips stated in speaking with Commissioner Workman he learned of a "Responsible Hospitality" workshop which he would be enrolling in and that he may also enroll the second manager in the workshop.

Workman stated the County Board may make the "Responsible Hospitality" workshop a condition of the license.

He stated he spoke with Roger Kern and Jim Kearney at Nebraska Game and Parks Commission who reported there were some problems at Branched Oak Lake many years ago, however, they negotiated with the federal government who allowed Game and Parks to regulate the park and water areas and there have been no problems in recent years. Workman stated the problems which occurred were not in connection with the liquor licenses in place at the time. He explained that he has requested Game and Parks to send the County Board a letter recommending that the licenses being applied for by Phillips be approved.

In response to a question asked by Workman, Phillips responded that they would not be selling single cans or bottles of beer; they will be selling six and twelve packs. He stated he didn't know if the problem of driving and drinking was so much the sale of single cans as it is the larger bottles.

The Vice Chair asked if anyone else wished to provide testimony in support of the application.

No one appeared and the Vice Chair asked if anyone wished to appear in opposition or in a neutral position.

No one appeared and the public hearing was recessed for one week.

4) **OLD BUSINESS:**

An application for a Class K (Wine Off Sale Only) and a Class E (Beer Off Sale Only) liquor license for Shoemaker's South Truck Stop located at 1200 Saltillo Road in Lancaster County, Nebraska. (1999437)

MOTION: Workman moved and Heier seconded approval of Resolution 99-437 regarding an application for a Class E and Class K liquor license for Shoemaker's South Truck Stop and to recommend that the Liquor Control Commission consider placing the following conditions on the licensed premises: 1) Single cans and/or bottles of beer and/or malt liquor of less than thirty two ounces shall not be sold on the licensed premises and 2) Single cans and/or bottles of beer and/or wine shall not be displayed for sale in tubs of ice on the floor of the licensed area.

Heier stated he is in favor of the principle of the conditions, however, he cautioned the Board against becoming involved in setting regulations for retail business.

Diane Staab, Deputy County Attorney, clarified that the County Board is making a recommendation to the Liquor Control Commission and that they make the final decision regarding the approval or denial of the application.

ROLL CALL: Workman, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. An agreement with the City of Waverly to occupy a portion of a County road right-of-way with a sidewalk/trail which will eventually match up with a crosswalk across Amberly Road. (1999403)

MOTION: Workman moved and Heier seconded approval.

Workman stated he had a concern regarding liability and noted that the right-of-way is very close to the road. He noted there will be a guardrail in place and that the liability issue is covered in the agreement.

Heier asked where the sidewalk/trail crosses Amberly Road.

Terry Wagner, County Sheriff, stated it was his understanding that it crosses East 134th Street.

ROLL CALL: Hudkins, Workman and Heier voted aye. Motion carried.

B. An agreement with Richard Keith of Great Plains Appraisal, Inc. for appraisal services, at a rate of \$90 per hour, in connection with two commercial property tax appeal cases before the Tax Equalization and Review Commission. (1999399)

MOTION: Heier moved and Workman seconded approval. On call Workman, Hudkins and Heier voted aye. Motion carried.

C. A contract with L J Webb Contractor, Inc. for culvert construction, in the amount of \$331,692.16, at the following locations: (1999414)

- * On North 1st Street from Fletcher Avenue to McKelvie Road
- * On East Fletcher Avenue from North 84th Street east to North 120th Street
- * On West Davey Road from Northwest 30th Street to Northwest 14th Street

MOTION: Heier moved and Workman seconded approval. On call Heier, Workman and Hudkins voted aye. Motion carried.

D. Keno grant contracts with following:

- * Fresh Start, Inc., in the amount of \$7,500, for assistance in hiring a Day Coordinator for case management and to assist residents in meeting their goals (1999419)
- * Lincoln Interfaith Council, in the amount of \$5,875, for implementation of a project in connection with Middle East refugees in Lincoln (1999420)
- * Peoples City Mission, in the amount of \$2,500, for outreach programs to prevent homelessness (1999421)
- * Asian Community and Cultural Center, in the amount of \$3,750, for maintenance of the Continuing Neighborhood Partnerships liaison program with four schools (1999422)
- * Bright Lights, Inc., in the amount of \$1,875, for scholarship assistance to low income student participants (1999423)
- * Heartland Big Brothers/Big Sisters, in the amount of \$5,000, for conducting a public relations campaign for targeted minority Big Brothers (1999424)
- * Lincoln Medical Education Foundation, in the amount of \$5,000, for implementation of an anti-binge drinking strategy working with 3,700 students in five pilot area colleges (1999425)
- * KZUM Radio, in the amount of \$2,500, to continue broadcasting of its HIV media project to target audiences (1999426)

MOTION: Workman moved and Heier seconded approval. On call Workman, Heier and Hudkins voted aye. Motion carried.

E. An application from Level 3 Communications, LLC to install fiber optic cable across County roadways within the Burlington Northern & Santa Fe Railway right-of-way from West Parker Road north to West Old Cheney Road, at no cost to the County. (1999413)

MOTION: Heier moved and Workman seconded approval.

Workman stated he owns shares in Level 3 Communications, however, he contacted the Accountability and Disclosure Commission regarding a conflict of interest. It was reported to him that the value of his shares in no way creates a business relationship between the company and himself.

Heier stated he also owns shares in the company and it was reported to him by the Nebraska Accountability and Disclosure Commission that there is no conflict of interest.

ROLL CALL: Heier, Workman and Hudkins voted aye. Motion carried.

F. Authorization of the installation and removal of the following traffic signs on North 141st Street between Waverly Road and the Waverly city limits: (1999418)

- * Installation of a "Reduced Speed Ahead" sign north of the reverse curves for southbound traffic
- * Removal of a "40 mile per hour" speed advisory plate from the reverse curve sign for southbound traffic
- * Installation of a "45 mile per hour" speed limit sign north of the reverse curves for southbound traffic
- * Installation of a "Reduced Speed Ahead" sign north of the city limits for southbound traffic for Waverly's "25 mile per hour" speed limit sign
- * Installation of a "45 mile per hour" speed limit sign north of the city limits for northbound traffic

MOTION: Heier moved and Workman seconded approval of Resolution 99-418.

In response to a question asked by Workman, Larry Worrell, County Surveyor, explained that the 45 mile per hour speed limit is north of the city limits of Waverly. Once around the curves, the speed limit increases to 55 miles per hour.

ROLL CALL: Hudkins, Heier and Workman voted aye. Motion carried.

G. Re-award of bid for title searches on tax foreclosure properties for the County Attorney's office to State Title Services Inc., for \$75 per search. (1999438)

Diane Staab, Deputy County Attorney, stated their office suggested the item be re-bid because the first company was not completing title searches in a timely fashion.

She noted that David Hunter, State Title Services, indicated that the \$75 per search would be for a complete title search. Most of the searches would be Uniform Commercial Code filings and would be significantly less than \$75.

MOTION: Heier moved and Workman seconded approval. On call Workman, Hudkins and Heier voted aye. Motion carried.

H. Reappointment of Doug Boyd, Shari Clarke, Pat Galitz and Elliot Rivas to the Lincoln-Lancaster Women's Commission, terms expiring March 1, 2002. (1999409)

MOTION: Workman moved and Heier seconded approval. On call Hudkins, Workman and Heier voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business which are relatively routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting a public hearing for Tuesday, March 30, 1999 regarding proposed changes to the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, Section 6, Air Pollution Source Annual Fees. (1999398)

B. A maintenance agreement with Great Plains Business Forms and Equipment Company for a check signer for the Clerk of the District Court, in the amount of \$325, beginning April 1, 1999 and ending April 1, 2000. (1999429)

C. Contracts relating to road improvements with the following:

- * Andrew L Shipley on Southwest 33rd Street near West Pleasant Hill Road, in the amount of \$1,350 (1999415)
- * Ernie Rockenbach On South 176th Street near Pioneers Boulevard, in the amount of \$418.50 (1999417)
- * Richard Janak on South 176th Street near Pioneers Boulevard, in the amount of \$10 (1999416)
- * Maahs Farms, Inc. on South 176th Street near Pioneers Boulevard, in the amount of \$553.65 (2 contracts) (1999430) (1999439)
- * Alma V Wenzel, Timothy Norman Wenzel and Pamela Ann Watson on Holdrege Street near North 112th Street, in the amount of \$1,142.50 (1999436)
- * Lee R Pester, Alice Jean Pester and Senora Pester on Holdrege Street near North 112th Street, in the amount of \$1,100 (1999435)
- * Douglas W and Dawn M Duis Near Southwest 33rd Street and West Denton Road, in the amount of \$406.25 (1999434)
- * C Marvin Roberts near Southwest 33rd Street and West Denton Road, in the amount of \$2,019.50 (1999433)
- * C Marvin Roberts and Brett and Jennifer Quinn near Southwest 33rd Street and West Denton Road, in the amount of \$1,242.75 (1999432)
- * Casey G and Renee C Nichols near Southwest 33rd Street and West Denton Road, in the amount of \$162.50 (1999431)

Heier requested Consent Item 6B be removed for discussion.

MOTION: Workman moved and Heier seconded approval of Consent Items 6A and 6C. On call Heier, Workman and Hudkins voted aye. Motion carried.

Discussion of Consent Item 6B:

A maintenance agreement with Great Plains Business Forms and Equipment Company for a check signer for the Clerk of the District Court, in the amount of \$325, beginning April 1, 1999 and ending April 1, 2000. (1999429)

Heier asked about the cost of a check signer.

Bruce Medcalf, County Clerk, explained that the check signer was used when purchased from the City of Lincoln, however, he didn't recall the purchase price.

He stated that the Clerk of the District Court issues 110,000 to 120,000 checks per year and that the machine is used on a daily basis.

Heier stated he would like more information regarding the relationship of cost versus maintenance ratio.

It was suggested that the item be deferred for one week to Tuesday, March 23, 1999.

By direction of the Vice Chair, Consent Item 6B was deferred for one week to March 23, 1999.

7) **OTHER BUSINESS:**

Heier stated Commissioner Hudkins had received the 1999 Free Enterprise Award from the Lincoln Independent Business Association and congratulated him for a job well done.

8) **ANNOUNCEMENTS:**

Mike DeKalb, Planning Department, appeared and stated a letter was received from the Benes' requesting County Change of Zone 183 be placed on pending. He suggested placing the item on pending by direction of the Chair providing that it has not been published in the newspaper.

By direction of the Vice Chair, County Change of Zone 183, requested by Eugene Benes, from "AG" Agricultural to "B" Business on property located south and west of the corner of Northwest 70th Street and Agnew Road, south of the unincorporated town of Agnew in Lancaster County, Nebraska was placed on pending.

9) **PURCHASE OF REAL ESTATE (EXECUTIVE SESSION) - DON KILLEEN, COUNTY PROPERTY MANAGER:**

MOTION: At 2:26 p.m. Heier moved and Workman seconded to enter into Executive Session regarding the purchase of real estate. On call Heier, Hudkins and Workman voted aye. Motion carried.

MOTION: At 2:44 p.m. Heier moved and Workman seconded to exit Executive Session. On call Workman, Heier and Hudkins voted aye. Motion carried.

10) **ADJOURNMENT:**

By direction of the Vice Chair, the meeting was adjourned.

Bruce Medcalf
County Clerk